

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 20, 2010

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,
Deputy Clerk.

Each of the following:

B219978 DCFS v. S.Y.
B216483 People v. Ortega
B218723 In re Xavier H. (DCFS v. Nancy H.)
B220617 In re Jason K. (DCFS v. S.K.)
B216201 People v. Martinez
B211672 People v. Esquivel
B211824 People v. Gutierrez
B215980 People v. Lurence
B217472 Jones v. Newton

Argument waived, cause submitted.

B210782 Schick
 v.
 Brockman, et al.

Merits:

Argued by Thomas Moring for appellant and by Darren Dummit for
respondents. Cause submitted.

DIVISION TWO (continued)

B217955 Arias
 v.
 City of Los Angeles, et al.

Merits:
Argued by Lawrence Hanna for appellant and by Claudia McGee Henry for respondents. Cause submitted.

B213687 Garibay
 v.
 Callery Conway Mars HV Inc.

Merits:
Argued by Delores Yarnall for appellant and by David Klaber for respondent. Cause submitted.

B222795 R.H.
 v.
 Superior Court, Los Angeles County
 (Department of Children and Family Services, r.p.i.)

Merits:
Argued by Eliot Lee Grossman for petitioner and by Jacklyn Louie for real party in interest. Cause submitted.

Chavez, J. leaves the bench

B207543 Eskenazi
 v.
 Devitt, et al.

Merits:
Argued by Nicholas Tepper for appellant and by David Brand and Robert Gerstein for Cross-appellants. Cause submitted.

Court in recess.

May 20, 2010 (Continued)

DIVISION TWO (continued)

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Joyce Hatter,
Deputy Clerk.

Each of the following:

B217121 People v. Pedro N.
B218332 People v. Javier A.
B218894 DCFS v. V.V.
B214581 People v. Wright
B219750 In re: Evangeline C.
B217742 People v. Luis

Argument waived, cause submitted.

B212259 People
 v.
 Molina

Merits:

Argued by Thomas Ono for appellant and by Mary Sanchez, Deputy
Attorney General for respondent. Cause submitted.

B215894 Duenas and Fire Insurance Exchange
 v.
 Workers Compensation Appeals Board
 Juan Ayala, Respondent

Merits:

Argued by Stephen Nakata for petitioners and by Diana Lynn Marsteiner
for respondent. Cause submitted.

DIVISION TWO (continued)

B215804 Lang
 v.
 Roche, et al.

Merits:
Argued by Jeffrey Daar for respondents Daar & Newman and Samuel T. Rees. Appellant Erik Lang waived oral argument and no appearance by respondent Warren Roche. Cause submitted.

B214932 Kim
 v.
 Shin, et al.

Merits:
Argued by Lisa Marie Lawrence for appellant and by David King for respondents. Cause submitted.

B214666 Sullivan
 v.
 Centex Homes, et al.

Merits:
Argued by Richard Lepore for appellant and by Thomas Eastmond for respondents. Cause submitted.

B216918 Orange Avenue Mobilehome Park
 v.
 Alvarez, et al.

Merits:
Argued by Frank Ozello for appellant and by Henry Heater for respondents. Cause submitted.

Court adjourned.

May 20, 2010 (Continued)

DIVISION TWO (continued)

B213997 William Brockman
v.
Rafael Aguiar

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B216732 People (Not for Publication)
v.
Alcaraz

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B211820 People (Not for Publication)
v.
Carrera

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (continued)

B209297 People (Not for Publication)
v.
Nunez

The judgment is modified by striking the \$11,050 in restitution awarded to the Los Angeles County Witness Protection Program. The clerk of the superior court is directed to prepare an amended abstract of judgment and forward a copy to the Department of Corrections. In all other respects, the judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B218516 People (Not for Publication)
v.
Sazo

The order denying Sazo's petition for writ of error *coram nobis* is affirmed. The matter is remanded to the trial court with directions to treat the petition as a statutory motion to vacate the judgment brought pursuant to section 1016.5, subdivision (b), and to conduct such further proceedings with respect to such motion as are appropriate.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

May 20, 2010 (Continued)

DIVISION THREE (continued)

B213094 People (Not for Publication)
v.
Mercado

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B222280 Sulzer Pumps (US) Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(Pacific Indemnity Company, et al., r.p.i.)

The order to show cause is discharged. The petition for writ is denied. Real party in interest shall recover their costs in this proceeding. (Cal. Rules of Court, rule 8.493 (a)(1)(A).)

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B214458 Vannix-Serina
v.
Pacific Life Insurance Company, et al.

Filed order vacating submission order of February 9, 2010. Due to the press of court business and the complexity of the issues, in this case, a brief additional amount of time is needed to complete and file the opinion in this matter. Cause resubmitted.

DIVISION THREE (continued)

B207007 Hayden
v.
Hayden

Filed order vacating submission order of February 9, 2010. Due to the press of court business and the complexity of the issues, in this case, a brief additional amount of time is needed to complete and file the opinion in this matter. Cause resubmitted.

B219178 Arturo Arguelles-Romero, et al.
v.
Superior Court, Los Angeles County
(Americredit Financial Services, Inc.)

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B217177 Greene (Not for Publication)
v.
Brooks

The order of dismissal is affirmed. Respondent(s) to recover costs.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B213205 Rodriguez (Not for Publication)
v.
Daniel, M.D.

The judgment is reversed insofar as the punitive damages award is concerned. In all other respects, the judgment is affirmed. Each party is to bear his or her own costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

B215757 Ramsey (Not for Publication)
v.
Kaiser Foundation Health Plan, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

B218743 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Veronica L.

The order denying mother's section 388 petition and terminating parental rights is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FOUR (continued)

B215120 People v. House (Not for Publication)

The judgment is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B211673 People (Not for Publication)
v.
McClellan

The sentence for the attempted murder is vacated. The matter is remanded for resentencing. If the sentence is altered by the trial court, the clerk is directed to prepare an amended abstract and to forward a copy to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Suzukawa, J.

We concur: Willhite, Acting P.J.
Manella, J.

B218771 People (Not for Publication)
v.
Slis

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B209162 People (Not for Publication)
v.
Cervantes

The clerk of the superior court is directed to strike the \$200 parole revocation fine imposed pursuant to section 1202.45 and the portion of the judgment prohibiting appellant from owning, using, threatening to use, possessing, buying, or selling deadly or dangerous weapons and to deliver an amended abstract of judgment to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B210211 Whitmire, et al.
v.
Ingersoll-Rand Company, et al.

Filed order certifying opinion for publication.

B208440	Lockton v. O'Rourke, et al.
B212535	Lockton v. Quinn Emanuel Urquhart Oliver & Hedges, LLP, et al.

Filed order certifying opinion for publication.

DIVISION SIX

B218314 Department of Social Services (Not for Publication)
v.
Edwart T., et al.

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B220104 People (Not for Publication)
v.
Rick Lee Hicks

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B217205 Alice Marie Gonzalez (Not for Publication)
v.
George Valverde, as Director, etc.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

DIVISION SIX(continued)

B219160 Child Welfare Services (Not for Publication)
 v.
 Anna G.

The order of the juvenile court is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B218959 People (Not for Publication)
 v.
 Bolton

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B222787 Thomas H. (Not for Publication)
 v.
 Ventura County Superior Court
 (Ventura County Human Services Agency)

The petition for extraordinary writ is denied.

Perren, J.

We concur: Yegan, Acting P.J.
 Coffee, J.

DIVISION SIX (continued)

B220099 San Luis Obispo County (Not for Publication)
Department of Social Services
v.
Lisa J.
In re Christian Q., a Person Coming Under the Juvenile Court Law

The appeal is dismissed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B217031 Los Angeles County, D.C.F.S. (Not for Publication)
v.
David D.

The jurisdictional order declaring I.R. a dependent of the juvenile court is reversed. The subsequent dispositional orders and family law custody order are vacated. The permanent restraining order issued on May 27, 2009 also is reversed.

Jackson, J.

We concur: Perluss, P.J.
Woods, J.

B214180 Albert Lingenfelter et al. (Not for Publication)
v.
Lee Baca et al.

The judgment is affirmed. Respondent(s) to recover costs.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION SEVEN (continued)

[illegible]

The judgment is modified to stay sentence on count 4 (felony false imprisonment) under section 654. As so modified, the judgment is affirmed. The clerk of the court is directed to prepare a modified abstract of judgment and forward a copy to the Department of Corrections of Rehabilitation.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B213049 People (Not for Publication)
v.
Butler

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B219388 Angelo, et al.
v.
Superior Court, Los Angeles County
(Coordinated Care Center, Inc.)

Filed order denying petition for rehearing.

DIVISION EIGHT

[illegible]

The judgment is modified to provide for a total of \$40 in court security fees, and by striking the punishment on the section 12022.7 enhancement, rather than imposing and staying it under section 654. As so modified, the judgment is affirmed. The superior court shall amend its minute order to reflect the reasons the court stated when it ordered the enhancement stayed (see § 1385, subd. (a).) The superior court also shall prepare and transmit to the appropriate authorities an amended abstract of judgment reflecting the above modifications.

Grimes, J.

We concur: Rubin, Acting P.J.
Flier, J.

[illegible]

The judgment is affirmed. The clerk of the superior court is ordered to correct the abstract of judgment to reflect that (1) Cooper was convicted by jury (rather than by plea) and (2) the time imposed for the section 12022.7, subdivision (a) enhancement was three years (rather than one year) and the time imposed for the section 12022, subdivision (b)(1) enhancement was one year (rather than three years), and to forward the corrected abstract to the Department of Corrections and Rehabilitation.

Grimes, J.

We concur: Bigelow, P.J.
Rubin, J.

DIVISION EIGHT (continued)

B219873 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 A.P.

The judgment is affirmed.

Grimes, J.

We concur: Bigelow, P.J.
 Flier, J.

B210495 People
 v.
 Lollar

Filed order denying petition for rehearing.

B219596 St. Jean
 v.
 State of California

Filed order denying petition for rehearing.